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No. 89-2005

Supreme Court, U.S.

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JOSEPH F. SPANIOLO, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

JOYCE CARLE,

PETITIONER,

VS.

L.F. WOODS, POSTMASTER,

RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

PETITIONER'S REPLY TO RESPONDENT'S
BRIEF IN OPPOSITION

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PETITIONER'S REPLY TO RESPONDENT'S
STATEMENT OF FACTS

1. Respondent attempts to characterize this suit as one which revolves around "the use of an adjacent door". While the merit of this action is not an issue before this Court, Petitioner respectfully submits that had her complaint rested solely on the "use of a door" she would not have had

jurisdiction to bring a Title VII action. (42 U.S.C. § 2000e, et seq.)

2. Respondent attempts to minimize his admission of service. While Respondent contends that service was made upon him on September 22, 1987, the United States Attorney concluded that service was improper only because "...no copy of the Complaint and Summons was mailed to the Attorney General in Washington." As Rule 15(c) of the Federal Rules of Civil Procedure allows for "... the delivery or mailing of process to the United States Attorney..." this admission by Respondent is fatal to his claim. Cooper v. United States Postal Service, 740 F.2d 714, cert den. 471 U.S. 1022, 85 L.Ed.2d 316, White, J. dissenting.

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, as premise considered,
Petitioner prays that this Court grant
her petition for Writ of Certiorari.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of September, 1990, 3 copies each of the foregoing Petitioner's Reply to Brief for the Respondent in Opposition were mailed, postage prepaid, to the following:

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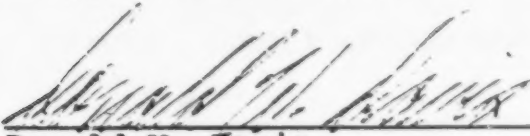
RESPONDENT.

PETITIONER'S REPLY TO BRIEF
FOR THE RESPONDENT IN OPPOSITION

AFFIDAVIT OF MAILING

This Petitioner's Reply to Brief for the Respondent in Opposition was mailed, first class, postage prepaid and correctly addressed to the Clerk of the

Supreme Court of the United States,
on September 14, 1990 from the Main
Post Office, 320 S.W. 5th St., Oklahoma
City, Oklahoma 73102.



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STATE OF OKLAHOMA)
) ss.
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Subscribed and sworn to before me
this 14 day of September, 1990.



Notary Public

My Commission Expires:

October 13, 1990